

Application No. 10/748,844
Response to Restriction Requirement mailed July 26, 2005

REMARKS

Restriction of Groups

In the restriction requirement mailed July 26, 2005, the Examiner indicated that there were two Groups of claims:

1. Group I (claims 1-21 and 29-48, directed to compounds and compositions in class 562, subclass 512+)
2. Group II (claims 22-28), directed to processes of preparing compounds in claims 462, subclass 512+.

Applicants elect the claims of Group I, claims 1-21 and 29-49¹, for prosecution in the present application.

Election of Species

On page 3 of the Restriction Requirement, the Examiner indicated that the application includes claims "directed to the following patentably distinct species of the claimed invention: species of claims 1-12 and 29-48" and required applicants to elect a single disclosed species for prosecution on the merits. The Examiner indicated that claims 1-4 were generic. However, pursuant to a phone call held on September 6, 2005 with Nanda Alapati, the Examiner clarified this instruction and requested that Applicants elect one of three species represented by claims 2, 3 and 4 (in addition to claim 1) for prosecution in the present application, along with any claims dependent thereon.

Claim 1 is generic to all claims.

Applicants elect the species represented by claim 2 for prosecution in the present application. Claims reading on this species include claims 1, 2, 5, 8, 11, 14, 17, 21, 29-31, 34-38, 41, 44 and 47. This election is believed to be in compliance with the Restriction

¹ It is noted that the original application included two errors in claim numbering. First, claim 23 was missing, and second, there were two claims numbered '45'. With the present amendment, claim 23 has been added between claim 23 and claim 24, and the 'second' claim numbered '45' through original claim 48 has been renumbered 46-49.

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Requirement, and with the agreed-upon election. Should the Examiner wish to require a more specific election, he is encouraged to contact the undersigned.

Amendments to the Claims

The claims have been amended to correct various grammatical and other errors. Specifically, several claims have been amended to refer to non-toxic salts of compounds, and the inclusion of the term "salts" provides antecedent basis for various dependent claims that referred to salt forms (or sulfate forms) of the claimed compounds. No new matter is believed to have been introduced by these changes.

It is believed that the claims are currently in condition for examination on the merits, and such action is respectfully requested. No fee is believed to be due for this submission. Should a fee be required, the Director is authorized to charge any such fee to Womble Carlyle's Deposit Account No. 09-0528.

Respectfully submitted,

Date: October 25, 2005



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